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BY EMAIL AND WEB POSTING

May 3, 2024

Mr. Ian Mondrow
Gowling WLG (Canada) LLP
1 First Canadian Place
100 King Street West, Suite 1600
Toronto, ON M5X 1G5

Dear Mr. Mondrow:

**Re: Generic Proceeding – Cost of Capital and Other Matters
Expert Evidence
OEB File Number: EB-2024-0063**

This is in response to your letter of April 29, 2024. You advised that your client, the Industrial Gas Users Association (IGUA), intends to file expert evidence in this proceeding. You also advised that five other intervenors representing customers were in discussions with IGUA on jointly sponsoring evidence.¹

You asked the Ontario Energy Board (OEB) to consider revising the procedural sequence of events set out in Procedural Order No. 1 to enable parties to inform the OEB of any plans to file expert evidence *following* receipt and review of the expert report commissioned by OEB staff. In the alternative, you asked the OEB to grant an additional week to allow IGUA and the five other intervenors more time to revisit their discussions on co-operative/joint sponsorship of evidence and advise the OEB of their plans.

The OEB will grant the “alternative relief” you requested.

While the OEB encourages the submission of jointly sponsored evidence, it is not convinced that the receipt and review of the expert report commissioned by OEB staff is essential for a determination of parties to advise the OEB of the intention to submit joint evidence. The OEB staff expert evidence must respond to the issues set out in the OEB-approved Issues List, similar to evidence that may be submitted by the utilities or

¹ The five other intervenors are the Association of Major Power Consumers in Ontario (AMPCO), Consumers Council of Canada (CCC), Canadian Manufacturers and Exporters (CME), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC).

intervenors. OEB staff expert evidence has “straw person” status for the purpose of providing a framework with factual support and expert opinion concerning those issues. It is expected that the expert evidence introduced by other parties would develop their own conclusions before receipt of OEB staff expert evidence, then address any differences or similarities before the evidence of those parties is submitted. The OEB staff expert evidence will be given careful consideration by the hearing panel, but its conclusions must ultimately be evaluated after all evidence, expert or otherwise, has been received.

Accordingly, the OEB will allow the six intervenors an additional week (to May 10, 2024) to continue their discussions and advise the OEB of any expert evidence they propose to file.

The OEB also directs IGUA to provide its estimated cost and associated information by May 10, 2024, as required in Procedural Order No. 1.²

The OEB has also received requests to file evidence from the Ontario Energy Association, the Electricity Distributors Association, and the Small Business Utility Alliance.³ The OEB will address those requests at the same time as it addresses the request(s) by the six intervenors who have asked for an extension.

Any questions relating to this letter should be directed to Fiona O’Connell at fiona.oconnell@oeb.ca.

Yours truly,

Nancy Marconi
Registrar

Cc: All Parties to EB-2024-0063
All Other Interested Parties

² Page 4 of Procedural Order No. 1 states that if any cost eligible intervenor plans to file expert evidence in this proceeding and seek recovery of those costs, the intervenor must also provide the estimated cost. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding and should include an estimate of any incremental time that will be spent by the intervenor’s counsel or any other consultant(s) in relation to the expert evidence.

³ In its April 18, 2024 letter, the OEA advised that it is participating on behalf of Alectra Utilities Corporation, Elexicon Energy Inc., Enbridge Gas Inc., Hydro One Networks Inc., Hydro Ottawa Limited, Ontario Power Generation Inc., Toronto Hydro-Electric System Limited, and Upper Canada Transmission 2, Inc.